

60130-2008
02MRA0228**REMARKS**

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (WO 92/00465). The Examiner states that Fischer discloses a disc brake pad backplate including a pad spring having a resilient leaf-spring like mode with a first spring rate and a second buckling mode with a second spring rate, and therefore the claimed invention is anticipated. The Examiner states that it is unclear how the invention of Fischer differs from Applicant's claimed invention since they "appear to be identical in both structure and function." Applicant respectfully disagrees.

The claimed invention is not anticipated by Fischer. Fischer discloses a pad retaining system including a lining holder 1 and a leaf spring 5. The leaf spring 5 includes recesses 21 that receive clips 19 of the lining holder 1 to secure the leaf spring 5 to the lining holder 1 (paragraph bridging page 6 of the translation). The pad spring 5 includes ends 29 that are chambered and point upwardly such that the ends 29 lie at the change-over to the clips 17 (page 8, third paragraph of the translation). When a middle part 15 of the leaf spring 5 deflects inwardly, the ends 29 of the leaf spring 5 slide over the clips 17. That is, there is no lateral restraint of the ends 29 of the leaf spring 5 as claimed. Fischer only focuses on retaining the leaf spring 5 on the backplate 1 during pad replacement to avoid injury of the services personnel. However, Fischer does not disclose that the clips 17 laterally restrain the pad spring 5. Fischer also does not disclose relative lateral leaf spring 5 and clip 17 dimensions as claimed.

Additionally, the leaf spring 5 of Fischer does not have more than one spring rate as claimed. The leaf spring 5 only operates in a leaf spring-like mode and does not operate in a buckling mode as claimed. Fischer does not disclose that the pad spring 5 has a first resilient leaf spring-like mode with a first spring rate and a second buckling mode with a second spring rate and that the first spring rate is lower than the second spring rate as claimed. The claimed invention is not anticipated, and Applicant requests that the rejection be withdrawn.

Thus, claims 1-11 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

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Respectfully Submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306 on July 8, 2005.


Amy Spaulding